

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Appeal from Order No.65 of 2007**

Smt. Vanita Sanjay Waghmare ..Appellant

versus

Bombay Area & Housing Development
Authority & Anr. ..Respondent.

Mr. C.K.Tripathi for the Appellant

Ms.G.P.Mulekar for the AGP

Mr.Sandesh Shukla i/b.Navdeep Vora & Associates for
the Respondent No.2.

**Coram : S.R.Sathe, J.
Dated : 9th August, 2007**

P.C.

1. Heard learned advocate for the appellant.

2. Perused the papers. It is very clear from the initial order that has been passed by the trial court that the trial court has not granted any interim relief by observing that there was no notice under Section 173 and the defendants were directed to file affidavit on a particular date. That obviously contemplated that the Court will proceed to hear application for temporary injunction after the defendants filing the affidavit or reply. The said date which is mentioned in the order is already over and the matter is pending in the trial court at

the same stage i.e. for filing say and for passing order on plaintiffs application for temporary injunction. Under the circumstances, so far as the present A.O. is concerned it has become infructuous. Hence, the same is disposed of accordingly.

3. The trial court is hereby directed to dispose of the plaintiffs application for temporary injunction within four weeks from today. The defendants may file their say if they desire to do so, on 14.8.2007 in the trial court.

(S.R.Sathe, J.)